

Scott G. Gratton  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128  
*Attorneys for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JODY JACKSON, ) Cause No.:  
 )  
 Plaintiff, )  
 )  
 vs. )  
 ) **PETITION FOR REMOVAL TO**  
 ) **U.S. DISTRICT COURT**  
 ALLIED INSURANCE COMPANY, a )  
 NATIONWIDE MUTUAL )  
 INSURANCE COMPANY, )  
 )  
 Defendant. )  
 )

---

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MONTANA, GREAT FALLS DIVISION

COMES NOW, Defendant Nationwide Mutual Insurance Company<sup>1</sup> and hereby gives notice to the above named Court for removal of this cause from the Montana Eighth Judicial District Court, Cascade County, Cause No. DDV-10-

---

<sup>1</sup> Plaintiffs have misnamed Defendant in this case as Allied Insurance Company, a nationwide Mutual Insurance Company. The correct name of the insurer in this case is Nationwide Mutual Insurance Company. No entity named Allied Insurance Company exists.

0080, to the above named United States District Court, Great Falls Division, pursuant to 28 U.S.C. § 1446, and for its grounds for removal alleges:

1. That the action is a civil action filed by Plaintiff Jody Jackson seeking money damages under an insurance policy that was commenced April 16, 2010 by filing a Complaint in the Montana Eighth Judicial District Court, Cascade County; that at all times involved, Plaintiff has been and now is a citizen of the state of Montana; and that at all times herein, Defendant Nationwide Mutual Insurance Company has been and now is a corporation organized and existing under the laws of the State of Ohio.
2. From the contents of the Complaint it reasonably appears that the matter in controversy, exclusive of interest and costs, exceeds the sum of seventy-five thousand dollars (\$75,000.00) and complete diversity exists between Plaintiff Jody Jackson, a citizen and resident of Montana and Defendant Nationwide Mutual Insurance Company, a company of the state of Ohio in that it was at the time of filing said action, and ever since such filing has been and now is, a Corporation organized, created and existing under the laws of the State of Ohio and has its principal place of business in a state other than Montana. The above entitled Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332. The amount in controversy, exclusive of costs and fees, exceeds the sum of \$75,000.00. The Complaint seeks recovery for underinsured motorist benefits which have a \$500,000.00 policy limit. (Attached as Exhibit "A").
3. That on or about May 19, 2010, Plaintiff mailed a summons and complaint to the Montana Commissioner of Insurance in order to serve Defendant. Attached hereto and marked as Exhibit "A" is a copy of the summons,

complaint, and Commissioner of Insurance letter served on Defendant Nationwide Mutual Insurance Company.

4. That this Notice is filed within 30 days after service of the summons and complaint upon Defendant Nationwide Mutual Insurance Company was deemed complete on May 19, 2010 pursuant to Mont. Code Ann. §§ 33-1-603.

5. That Defendant Nationwide Mutual Insurance Company will, upon filing of this Notice of Removal, forthwith give written notice thereof to the above named Plaintiff and file with the Montana Eighth Judicial District Court, Cascade County, the Notice of its filing and request for transfer pursuant to Mont. R. Civ. P. 77(e), by which acts the above entitled cause is removed from such state district court to the above captioned United States District Court (Attached as Exhibit "B").

DATED this 17th day of June, 2010.

By: /s/ Scott G. Gratton  
Scott G. Gratton  
BROWN LAW FIRM, P.C.  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 17, 2010, a copy of this notice of removal was served on the following person(s):

1. U.S District Court, Great Falls Division
2. Montana Eighth Judicial District Court, Cascade County  
Clerk of District Court  
415 - 2<sup>nd</sup> Avenue North  
Great Falls, MT 59401
3. Channing J. Hartelius  
Hartelius, Durocher, & Winter, P.C.  
600 Central Plaza, Suite 408  
P.O. Box 1629  
Great Falls,, MT 59403

by the following means:

1, 3 CM/ECF  Fax  
 Hand Delivery  E-Mail  
2 U.S. Mail  Overnight Delivery Services

By: /s/ Scott G. Gratton  
Scott G. Gratton  
BROWN LAW FIRM, P.C.  
*Attorney for Defendant*